IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

WILLIAM LEE ANDERSON II,)	
Petitioner,)	Case No. 7:14CV00485
v.)	OPINION
DIRECTOR OF VDOC,)	By: James P. Jones United States District Judge
Respondent.)	

William Lee Anderson II. Pro Se Petitioner.

The petitioner, proceeding pro se, has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, challenging his 2009 convictions for bank robbery and obstruction of justice in the Circuit Court of Washington County, Virginia.¹ I find the petition to be successive and dismiss it pursuant to 28 U.S.C. § 2244(b).²

This court may consider a second or successive § 2254 petition motion only upon specific certification from the United States Court of Appeals for the Fourth

¹ Initially, petitioner filed his § 2254 petition and a number of related attachments and motions in the United States District Court for the Eastern District of Virginia. That court transferred the case to this court, because the court of conviction is located within this jurisdiction.

² Under Rule 4(b) of the Rules Governing § 2254 Cases, the court may summarily dismiss a § 2254 petition "[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court."

Circuit that the claims in the motion meet certain criteria. See 28 U.S.C. § 2244(b). The petitioner previously filed a § 2254 petition concerning this same conviction and sentence. *See Anderson v. Dir. of Dep't of Corr.*, No. 7:12-cv-00323 (W.D. Va. Aug. 8, 2012) (dismissing § 2254 petition as untimely filed), *appeal dismissed*, 502 F. App'x 261 (4th Cir. 2012) (unpublished). The petitioner offers no ground on which his current petition does not qualify as a second or successive § 2254 petition.³ Moreover, he presents no evidence that he has obtained certification from the court of appeals to file a second or successive § 2254 petition. Therefore, I must dismiss his current action without prejudice.

A separate Final Order will be entered herewith. The clerk will send a copy of that Final Order and this Opinion to the petitioner.

DATED: September 12, 2014

/s/ James P. Jones
United States District Judge

³ Petitioner has purportedly recently discovered evidence in the record of his criminal proceedings indicating that he suffered from severe brain injuries. I find no basis on which such evidence prevents dismissal of his petition as successive.